

REMARKS

The non-final Office Action of September 10, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 2-4 and 10-14 have been amended to place the claims in a more preferred form. Claims 5-8, 15-19, and 25-27 have been canceled without prejudice or disclaimer. Claims 1-4, 9-14, and 20-24 remain pending in this application.

Claims 2-4 and 10-14 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Action rejected claims 2-4 for lack of antecedent basis for “the message formation and send block,” and claims 2-14 for lack of antecedent basis for “the message receive and disassembly block.” In response, Applicants have amended claims 2-4 and claims 10-14 in a more preferred form and removed the alleged lack antecedent basis language from the claims. The present rejection thus is rendered moot.

Claims 1-3, 9-13, and 20-24 stand rejected 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,265,894 to Reblewski et al. (hereinafter referred to as “*Reblewski*”) in view of U.S. Patent No. 6,064,677 to Kappler, et al. (hereinafter referred to as “*Kappler*”). Applicants respectfully traverse these rejections.

The Action alleges that the combination of *Reblewski* and *Kappler* teaches or suggests the features of claim 1. The Action relies on *Kappler* (col. 12, line 65-col. 13, line 10; and col. 11, lines 25-30), to show “the message comprising a plurality of signals ... signal inclusion schedule specifies the order and frequency of occurrence of the plurality of signals in the message.” Applicants disagree and contend that *Kappler* fails to teach or suggest at least this feature of claim 1. The cited portions of *Kappler* merely describe scheduling of data based on data frequency with respect to bandwidth, where higher data frequency flows are given transmit priority over lower data frequency flows. See, for example, col. 12, lines 31-55 of *Kappler*. Contrary to the operation in *Kappler*, the “frequency” recited in the above feature of claim 1 is with respect to the number of times that signals from a plurality of signals occur, rather than the frequency of data, with respect to bandwidth, as described in *Kappler*. Therefore, *Kappler* fails to at least teach or suggest, “the message comprising a plurality of signals ... signal inclusion schedule specifies the order and frequency of occurrence of the plurality of signals in the message,” as recited in Applicants’ claim 1. (Emphasis added). Applicants’ claim 1 thus is

patentably distinguishable from the references of record. Claims 2-3 depend from claim 1, and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein.

The Action alleges that the combination of *Reblewski* and *Kappler* teaches or suggests the features of Applicants' independent claims 9, 20, and 24. Applicants' claims 9, 20, and 24 include similar features as described above with respect to Applicants' independent claim 1. Therefore, claims 9, 20, and 24 are patentably distinguishable from the references of record for at least similar reasons as described above with respect to Applicants' claim 1. Claims 10-14 and 21-23 depend from claims 9 and 20, respectively, and are distinguishable for at least the same reasons as claims 9 and 20, and further in view of the various features recited therein.

Claims 4 and 14 stand rejected 35 U.S.C. § 103(a) as being unpatentable over *Reblewski* in view of *Kappler*, and further in view of U.S. Published Patent Application No. 2003/0053435 to Sindhushayana et al. (hereinafter referred to as “*Sindhushayana*”). Applicants respectfully traverse these rejections.

Even assuming, without admitting, that the combination of *Reblewski*, *Kappler*, and *Sindhushayana* is proper, *Sindhushayana* fails to remedy the deficiencies of *Reblewski* and *Kappler* described above with respect to Applicants' claims 1 and 9 from which claims 4 and 14 depend, respectively. Therefore, claims 4 and 14 are patentably distinct from the combination of *Reblewski*, *Kappler*, and *Sindhushayana*.

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CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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